

Notice of Allowability

Application No.

10/813,033

Examiner

Peter P Nerbun

Applicant(s)

CHIANG, HERMAN

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application papers.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 31 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In accordance with MPEP 1302.04, the following obvious errors in grammar and syntax have been corrected:

In claim 1, line 18, "pressure" has been changed to --pressuring--; in claim 1, line 25, "inner of" has been changed to --inner side of--; in claim 1, line 26, "the other" has been changed to --another--; in claim 1, line 27, after "and", --a-- has been inserted; in claim 1, line 30, "abutted" has been changed to --abuts--; in claim 1, line 31, "engaging" has been changed to --engage--; in claim 1, line 32, "are" has been changed to --is--; in claim 1, line 34, "are" has been changed to --is--.

In claim 4, line 1, after "hole", --is-- has been inserted.

In claim 5, line 1, after "tongue", --is-- has been inserted.

In claim 7, line 2, "pressure" has been changed to --pressuring--.

In claim 9, line 2, "are" has been deleted; in claim 9, line 3, "are" has been deleted.

In claim 11, line 2, "is" has been changed to --are--.

In the Abstract, in line 3, after "and", --a-- has been inserted; in line 14, "pressure" has been changed to --pressuring--.

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In paragraph [0001], line 2 of the specification, after "have", --an-- has been inserted; in paragraph [0002], line 7, after "adjust", --a-- has been inserted; in paragraph [0002], line 8, "are" has been changed to --is--; in paragraph [0002], line 9, "are" has been changed to --is--; in paragraph [0003], line 2, "do" has been changed to --if--; in paragraph [0004], line 7, "are" has been changed to --is--; in paragraph [0004], line 11, "a" has been deleted; in paragraph [0004], line 14, "pressure" has been changed to --pressuring--; in paragraph [0004], line 18, "cove" has been changed to --cover--; in paragraph [0005], line 1, "that" has been deleted; in paragraph [0005], line 2, "pressed" has been changed to --presses--; in paragraph [0005], line 8, "are" has been changed to --is--; in paragraph [0016], line 12, after "inner", --side-- has been inserted; in paragraph [0016], line 14, "from" has been deleted.

The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims are allowed because claim 1 specifically requires at least an adjusting apparatus, each adjusting apparatus including a base having first, second and third base walls, an axis hole defined through the second base wall and the third base wall, a fixing axis pivotably received in the axis hole, and forming a pressure arm substantially on a side thereof for pressuring a tongue of an engaging block and a stop arm on the other side thereof, a first cover wall forming a resilient button thereon for pressing the pressure arm, and a head strap movably received in fastener holes of the bases, and defining a plurality of stop slots for engaging with the stop arms.

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The patents to Chou and Pan are cited to disclose swimming goggles having head straps that can be released through manual manipulation of structural components and pulled to obtain a desired degree of strap tightness.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
August 4, 2004


Peter Nerbun
Primary Examiner